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10 | In re:

Case No. 13-42624 RLE

11 DAVID LOZANO MENDEZ

Chapter 13

12 || Debtor.

MOTION TO VALUE SECOND LIEN OF
WELLS FARGO BANK, N.A.

14 _____ /
15 Debtor David Lozano Mendez ("Debtor") hereby moves the court to
16 value the second lien of Wells Fargo Bank, N.A. secured by a lien
17 against Debtor's property located at 809 Gray Fox Place, Clayton, CA
18 94517 ("the property").

19 1. This motion is based on the petition, schedules, and documents
20 on file herein, and the Memorandum of Points and Authorities in
21 Support of the Motion and Declaration of Debtor in Support of the
22 Motion filed herewith.

23 2. As stated in the attached Declaration, at the time of filing,
24 Debtor's residence was worth less than the first lien against the
25 property.

1 3. Wells Fargo Bank, N.A. holds the second lien against the
2 property.

3 Based on the foregoing, and for the reasons stated in the
4 attached Memorandum of Points and Authorities, Debtor prays that:

5 1. For purposes of Debtor's chapter 13 plan only, the court value
6 Wells Fargo Bank, N.A.'s second lien at zero, hold that Wells Fargo
7 Bank, N.A. does not have a secured claim based on the second lien, and
8 hold that Wells Fargo Bank, N.A.'s second lien may not be enforced,
9 pursuant to 11 U.S.C. §§ 506 and 1327, FRBP 3012, and the United
10 States Bankruptcy Court for the Northern District of California's
11 Guidelines for Avoiding Liens in Individual Chapter 11 Cases and
12 Chapter 13 Cases; and

13 2. Upon entry of a discharge in Debtor's chapter 13 case, the
14 second lien shall be voided for all purposes, and upon application by
15 Debtor, the court will enter an appropriate form of judgment or order
16 voiding the second lien.

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18 Dated: June 4, 2013

/s/

Anne Y. Shiao

ANNE Y. SHIAU

Attorney for Debtor